

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
v.) NO. 2:03-CR-97
LESTER EUGENE HARMON)

ORDER

This criminal matter is before the Court to address the defendant's objections to the calculation of the amount of loss used to determine his guideline range and his objection to the calculation of restitution in this case. After careful consideration of the testimony of witnesses at trial, trial exhibits, the testimony of witnesses at the sentencing hearing in this case, the figures submitted on the Victim Restitution form, as well as the exhibits filed at the sentencing hearing, the Court FINDS as follows:

AMOUNT OF THE LOSS:

1. Value of the logs	3,215.75
2. Value of the truck	5,000.00
3. 17 inch Auger	1,600.00
4. 8 inch Auger	800.00
5. Tamper	750.00
6. Shovels, chains, misc.	200.00
7. Work bucket	700.00
TOTAL	11,365.75

Therefore, the amount of the loss was more than \$10,000.00 and a four-level increase was appropriate and the defendant's objections in regard to the calculation of his guideline range are **OVERRULED**.

RESTITUTION

The truck and logs in this case were recovered. Therefore, no restitution will be assessed in regard to the truck, except for repairs, and the only restitution that may be assessed in regard to the logs will only be any difference between \$3,215.75 and the amount that the Forestry Service obtains from the sale of the logs. The judgment in this cause will be amended to reflect any difference in amount if and when the government notifies the Court that there was a deficit from the sale of the logs.

However, the Court will assess restitution in regard to the following:

1. 17 inch Auger	1,600.00
2. 8 inch Auger	800.00
3. Tamper	750.00
4. Shovels, chains, misc.	200.00
5. Work bucket	700.00
6. Paint on truck	1,000.00
7. Repair of mirrors	125.00
8. Repair of turn signals	200.00
 TOTAL	 <hr/>
	\$5,375.00

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE